

# PETITION FOR SPECIAL EXCEPTION 14-204-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the installation of a wireless transmitting and receiving structure (a monopole antenna).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): Edrich Farms, Inc.  
BY: Edward F. Stanfield, Jr., President  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner: Keith E. Ronald  
(Type or Print Name)  
Signature  
Address  
City and State  
Name and telephone number of legal owner, contract purchaser or representative to be contacted  
Name Suite 314, 409 Washington Ave.,  
Towson, Maryland 21204 296-6777  
Telephone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 16th day of December, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of February, 1984, at 10:30 o'clock A.M.

Call John  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

MICROFILMED

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

February 10, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #151 (1983-1984)  
Property Owner: Edrich Farms, Inc.  
S/W of Old Court Road, 4,800' S/W from centerline  
Windsor Mill Rd.  
Acres: 2.65 District: 2nd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Old Court Road (Md. 125) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The entrance locations are also subject to approval by the Department of Traffic Engineering.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
N/S Old Court Rd., 4,800'  
SW of Windsor Mill Rd., : OF BALTIMORE COUNTY  
2nd District  
EDRICH FARMS, INC., Petitioner : Case No. 84-204-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204

I HEREBY CERTIFY that on this 26th day of January, 1984, a copy of the foregoing Entry of Appearance was mailed to Keith E. Ronald, Esquire, 409 Washington Ave., Suite 314, Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman  
Phyllis Cole Friedman

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Item #151 (1983-1984)  
Property Owner: Edrich Farms, Inc.  
Page 2  
February 10, 1984

General: (Cont'd)

A drainage course, tributary to Brice Run, traverses the indicated "20-foot legal right-of-way" for this site, approximately 240 feet northerly of Old Court Road.

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area. Baltimore County Water Supply and Sewerage Plans W and S-16A, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,

Robert A. Morton, P.E., Chief  
Bureau of Public Services

RAM:EAM:FW:as

L-NW & P-SW Key Sheets  
19 - 21 NW 36 Pos. Sheets  
NW 5 & 6 I Topo  
77 & 87 Tax Maps

MICROFILMED

## PETITION FOR SPECIAL EXCEPTION

2nd Election District

ZONING: Petition for Special Exception  
LOCATION: North side Old Court Road, 4,800 ft. Southwest of Windsor Mill Road  
DATE & TIME: Thursday, February 16, 1984 at 10:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna)

Being the property of Edrich Farms, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

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## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Keith E. Ronald, Esquire  
409 Washington Avenue, Suite 314  
Towson, Maryland 21204

RE: Item No. 151 - Case No. 84-204-X  
Petitioner - Edrich Farms, Inc.  
Special Exception Petition

Dear Mr. Ronald:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, Jr.  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: Weller & Associates  
101 North Center Street  
Westminster, Md. 21157

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BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

February 9, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 151, 152, 153, 154, 155, 156, and 157 ZAC-Meting of December 27, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 151, 152, 153, 154, 155, 156, and 157.

Michael S. Flanigan  
Traffic Engineering Assoc. II

MSF/ccm

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## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
TO: Office of Planning and Zoning

Date: February 13, 1984

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items  
Meeting - December 27, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Item # 151 - Edrich Farms, Inc.  
Item # 152 - Frank W. Thompson, III, et ux  
Item # 154 - Jack Birchner, et ux  
Item # 157 - Hugo J. Nyberg, et ux

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LP/rth

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Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Special Exception

IN RE: PETITION SPECIAL EXCEPTION  
N/S of Old Court Road, 4,800'  
SW of Windsor Mill Road - 2nd  
Election District  
Edrich Farms, Inc.,  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-204-X

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Edrich Farms, Inc., requests a special exception to construct a wireless transmitting and receiving structure (a monopole antenna), as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Harry Fisher, general manager, system designer, and real estate manager for Bell Atlantic Mobil Systems, Inc., a wholly owned subsidiary of Bell Atlantic, Lessee of the subject property, testified. No Protestants appeared.

The subject property is zoned R.C.3. Testimony indicated that the Lessee intends to construct a 150-foot-high monopole structure with 17-foot antennae for the purpose of establishing a cellular mobil telephone system in the Baltimore area. The Lessee has been authorized by the FCC to construct the system and has been reserved specific frequencies which will not obstruct or interfere with other frequencies, e.g., television or radio communications. In addition to the tower, a 22' x 26' accessory building would be constructed to house the various equipment necessary to operate the tower. The building size is based on the amount and size of equipment necessary to be housed therein and could not possibly be smaller.

After investigating numerous other sites in the area, the Lessee chose this site because it met all of its engineering requirements. The Petitioner owns the subject parcel as well as other contiguous parcels which are farmed. This

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3010

TED ZALESKI, JR.  
DIRECTOR  
Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

January 18, 1984

Dear Mr. Jablon:

Comments on Item # 151 Zoning Advisory Committee Meeting are as follows:

Property Owner: Edrich Farms, Inc.  
Location: SW 1/4 Old Court Road 4800' S/W from Old Windsor Mill Road  
Existing Zoning: R.C. 3  
Proposed Zoning: Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna.)

Address: 2.65  
District: 2nd.

The items checked below are applicable:

A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged, and other applicable Codes.

B. A building & other permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A fire wall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s \_\_\_\_\_.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

I. Comments - Towers: Drawings and construction shall be under the seal of a Registered in Maryland (Structural) Professional Engineer. See Section 625.0 for Code requirements. Certification by P.E. Required on completion.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham, Chief  
Plans Review

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ORDER RECEIVED FOR FILING  
DATE \_\_\_\_\_  
BY \_\_\_\_\_

site cannot be otherwise utilized due to its terrain and the existing woods. The tower and accessory building will be well maintained and constantly supervised by the Lessee's central office. Mr. Fisher testified that in his opinion no adverse effect to the surrounding community would occur if the special exception were granted and that the spirit and intent of the Baltimore County Zoning Regulations (BCZR) would be met. The Petitioner seeks relief from Section 1A02.2.B.31, pursuant to Section 502.1, BCZR, for a special exception to construct a wireless transmitting and receiving structure.

It is clear that the BCZR permit the use requested by the Petitioner in a R.C.3 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the proposed use by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or

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#### BALTIMORE COUNTY, MARYLAND

##### INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
Zoning Commissioner  
Date: February 1, 1984  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Edrich Farms, Inc.  
SUBJECT: 84-204-X

The following comments were prepared by the Division of Current Planning and Development:

A CRG meeting is required. This is a subdivision of land; a plan showing the entire ownership must be submitted. Detailed information must be shown as to access, paving, and profiles. Adjacent uses must be shown.

On the basis of the information available at this time, this office cannot adequately review the subject petition.

Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/JGH/sf

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ORDER RECEIVED FOR FILING  
DATE \_\_\_\_\_  
BY \_\_\_\_\_

alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of February, 1984, that the Petition for Special Exception for a wireless transmitting and receiving structure (a monopole antenna), in accordance with the site plan introduced and accepted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. A detailed landscaping plan shall be submitted to the Zoning Office and shall include, but not necessarily be limited to, a fence at least seven feet in height surrounding the structure and appropriate shrubbery or trees.
3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.

Arnold Jablon  
Zoning Commissioner of  
Baltimore County

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BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. RENCKE  
CHIEF

February 14, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Rick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: James C. Swartz

Location: 33' W. York Road 175' N. Susquehanna Avenue

Item No.: 139 Zoning Agenda: Meeting of 12/13/83

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

84-204-X  
2-16

Keith E. Ronald, Esquire  
409 Washington Ave., Suite 310  
Towson, Md. 21204

Waller & Associates  
201 North Center Street  
Westminster, Md. 21157

#### BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 16th day of December, 1983.

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ARNOLD JABLON  
Zoning Commissioner

Petitioner: Edrich Farms, Inc.  
Petitioner's Attorney: Keith E. Ronald, Esq.

Received by: [Signature]  
Rick Commodari, Chairman, Zoning Plans Advisory Committee

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-204-X

District: 2nd  
Posted for: Special Inspection  
Petitioner: Edrich Farms, Inc.  
Location of property: N/S of Old Court Road, 4,800' SW of Windsor Mill Road  
Location of Signs: North side of Old Court Road in front of subject property  
Remarks: [Signature]  
Posted by: [Signature] Date of return: Feb 3, 84  
Number of Signs: 1

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84-204-X

### CERTIFICATE OF PUBLICATION

TOWSON, MD. \_\_\_\_\_ JANUARY 26, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., \_\_\_\_\_ of one time \_\_\_\_\_ before the \_\_\_\_\_ day of \_\_\_\_\_, 1984, the \_\_\_\_\_ publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 1984.

**THE JEFFERSONIAN**  
*L. Frank Strickland*  
 Manager

Cost of Advertisement, \$ \_\_\_\_\_

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February 22, 1984

Keith E. Ronald, Esquire  
 409 Washington Avenue, Suite 314  
 Towson, Maryland 21204

IN RE: Petition Special Exception  
 N/S of Old Court Road, 4,800' SW of Windsor Mill Road - 2nd Election District  
 Edrich Farms, Inc., Petitioner  
 Case No. 84-204-X

Dear Mr. Ronald:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,  
*Arnold Jablon*  
 Arnold Jablon  
 Zoning Commissioner

cc: People's Counsel

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February 9, 1984

BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

Keith E. Ronald, Esquire  
 409 Washington Avenue  
 Suite 314  
 Towson, Maryland 21204

Re: Petition for Special Exception  
 N/S Old Court Rd., 4,800' SW of Windsor Mill Road  
 Edrich Farms, Inc. - Petitioner  
 Case No. 84-204-X

Dear Mr. Ronald:

This is to advise you that \$31.70 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
*Arnold Jablon*  
 Arnold Jablon  
 Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

DATE 2/16/84 ACCOUNT R-01-615-000  
 AMOUNT \$31.70

RECEIVED Keith E. Ronald, Esquire  
 Advertising & Posting Case #84-204-X  
 (Edrich Farms, Inc.)  
 (Chf.)

MICROFILMED

January 10, 1984

Keith E. Ronald, Esquire  
 409 Washington Avenue  
 Suite 314  
 Towson, Maryland 21204

### NOTICE OF HEARING

Re: Petition for Special Exception  
 N/S Old Court Road, 4,800' SW of Windsor Mill Road  
 Edrich Farms, Inc. - Petitioner  
 Case No. 84-204-X

TIME: 10:30 A.M.  
 DATE: Thursday, February 16, 1984  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*Arnold Jablon*  
 Zoning Commissioner  
 of Baltimore County

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

DATE 12/16/83 ACCOUNT R-01-615-000  
 AMOUNT \$100.00

RECEIVED Keith E. Ronald  
 Special Exception  
 Item 151

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Office of  
**PATUXENT**  
 Publishing Corp.  
 10750 Little Patuxent Pkwy.  
 Columbia, MD 21044

January 26 19 84

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION SPECIAL EXCEPTION  
 52013

was inserted in:

☐ Catonsville Times  
 ☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for \_\_\_\_\_ successive weeks before the \_\_\_\_\_ day of \_\_\_\_\_, 1984, that is to say, the same was inserted in the issues of

January 26, 1984

PATUXENT PUBLISHING CORP.  
*Patuxent Publishing Corp.*

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Description of 2.65 Acre Parcel of Property and twenty (20) foot right of way owned by Edrich Farms, Inc. and leased to AMPS Corporation for Installation of Monopole Antenna (Site F, UU).

BEGINNING FOR THE SAME at a point on the southwest side of Old Court Road, as laid out twenty (20) feet wide, said point being situated 4,800 feet, more or less, measured in a southwesterly direction along the southwest side of Old Court Road from the intersection of Old Court and Windsor Mill Roads, said point also being situated directly opposite that point on the northeast side of Old Court Road where the property line between Edrich Farms, Inc. and Frances G. Hill (as marked by a barbed wire fence) intersects Old Court Road, thence running from said point of beginning and along the aforesaid property line marked by the barbed wire fence.

- (1) North 20° 54' 18" East 825 feet; thence
- (2) North 28° 38' 44" East 719.50 feet; thence
- (3) North 61° 36' 44" West 287.37 feet; thence
- (4) North 28° 23' 44" East 320.00 feet; thence
- (5) North 61° 36' 16" West 340.00 feet; thence
- (6) South 28° 23' 44" West 340.00 feet; thence
- (7) South 61° 36' 16" East 607.28 feet; thence
- (8) South 28° 38' 44" West 700.76 feet; thence
- (9) South 20° 54' 18" West 838.61 feet; thence
- (10) North 79° 24' 18" East 23.46 feet to the place of beginning.

*D. Wayne Keller*

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December 16, 1983

W. LEE THOMAS, P. A.  
 ATTORNEYS AT LAW  
 409 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204

Mr. Arnold Jablon  
 Zoning Commissioner of Baltimore County  
 County Office Building  
 Towson, MD 21204

Re: Petition For Special Exception  
 Filed By Edrich Farms, Inc.  
 Item No. 151

Dear Commissioner Jablon:

I am the attorney representing Bell Atlantic Mobile Systems in their attempt to obtain a special exception to construct a monopole antenna on property belonging to Edrich Farms, Inc. on Old Court Road. For reasons I shall hereafter explain, I would appreciate your approving my request to expedite our Petition so that a hearing may be scheduled at the earliest possible date.

Bell Atlantic is one of two companies that has been awarded an opportunity to provide a new mobile telephone service to consumers in the Baltimore metropolitan area. (In short, Bell provides its service via the use of radio antennas strategically located in various sites throughout the area to be served.) One of the factors the Federal Communications Commission focused on in granting franchises was to promote effective competition in order to benefit consumers. In the Baltimore metropolitan area, Bell has been placed at a serious disadvantage which will adversely affect free competition in the marketplace, as Bell's competitor has been allowed to operate a non-commercial, test program in the area for the past several years. Accordingly, their equipment is already in place and they may begin to provide their services on December 16, 1983, the date their FCC approved rates take effect. Bell, on the other hand, may not begin providing service until they construct their antennas, a prerequisite to which is

MICROFILMED

December 16, 1983

Mr. Arnold Jablon

obtaining necessary zoning approval. It is Bell's position that each week it cannot provide service to consumers in the area will not only result in Bell suffering a substantial monetary loss (estimated in the millions) but also will allow Bell's competition to gain such a foothold on the marketplace as to prevent any effective competition, which would be contrary to FCC policy.

Bell is by no means trying to circumvent the zoning process. In fact, Bell will present substantial testimony to the Commissioner in January in reference to another petition for special exception involving the antenna at which time Bell will explain the means by which it provides its service and the design and safety features incorporated into its equipment. Bell is merely attempting by this request to obtain a zoning hearing as soon as possible in order to avoid the hardships which it will suffer by any excessive delay.

I thank you in advance for your attention to this matter. Should you have any questions of me regarding this request, please do not hesitate to contact me.

Very truly yours,  
*Keith E. Ronald*  
 Keith E. Ronald

MICROFILMED







# PETITION FOR SPECIAL EXCEPTION 84-204-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the installation of a wireless transmitting and receiving structure (a monopole antenna).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): Edrich Farms, Inc.  
(Type or Print Name) BY: Edward F. Stanfield, Jr., President  
Signature: [Signature] Signature: [Signature]  
Address: (Type or Print Name)  
City and State: [Signature]  
Attorney for Petitioner: [Signature]  
Name and telephone number of legal owner, contract purchaser or representative to be contacted: 9700 Old Court Road, 922-6523  
Address: Keith E. Ronald, Woodlawn, Maryland, 21133  
City and State: [Signature]  
Name and telephone number of legal owner, contract purchaser or representative to be contacted: Keith E. Ronald, Suite 314, 409 Washington Ave.,  
Address: Townson, Maryland 21204 296-6777  
City and State: [Signature]  
Attorney's Telephone No.: 296-6777  
Name and telephone number of legal owner, contract purchaser or representative to be contacted: Keith E. Ronald, Suite 314, 409 Washington Ave.,  
Address: Townson, Maryland 21204 296-6777  
City and State: [Signature]  
Attorney's Telephone No.: 296-6777  
Name and telephone number of legal owner, contract purchaser or representative to be contacted: Keith E. Ronald, Suite 314, 409 Washington Ave.,  
Address: Townson, Maryland 21204 296-6777  
City and State: [Signature]  
Attorney's Telephone No.: 296-6777

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of December, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of February, 1984, at 10:30 o'clock A.M.

[Signature]  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
N/S Old Court Rd., 4,800' :  
SW of Windsor Mill Rd., : OF BALTIMORE COUNTY  
2nd Distri :  
EDRICH FARMS, INC., Petitioner : Case No. 84-204-X

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

[Signature]  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204

I HEREBY CERTIFY that on this 26th day of January, 1984, a copy of the foregoing Entry of Appearance was mailed to Keith E. Ronald, Esquire, 409 Washington Ave., Suite 314, Towson, MD 21204, Attorney for Petitioner.

[Signature]  
Phyllis Cole Friedman  
Phyllis Cole Friedman

## BALTIMORE COUNTY

### ZONING PLANS

### ADVISORY COMMITTEE



### PETITION AND SITE PLAN

### EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Keith E. Ronald, Esquire  
409 Washington Avenue, Suite 314  
Towson, Maryland 21204

RE: Item No. 151 - Case No. 84-204-X  
Petitioner - Edrich Farms, Inc.  
Special Exception Petition

Dear Mr. Ronald:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: Weller & Associates  
101 North Center Street  
Westminster, Md. 21157

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

February 10, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #151 (1983-1984)  
Property Owner: Edrich Farms, Inc.  
S/WS Old Court Road, 4,800' S/W from centerline  
Windsor Mill Rd.  
Acres: 2.65 District: 2nd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

Baltimore County highway and utility improvements are not directly involved.

Old Court Road (Md. 125) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The entrance locations are also subject to approval by the Department of Traffic Engineering.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #151 (1983-1984)  
Property Owner: Edrich Farms, Inc.  
Page 2  
February 10, 1984

### General: (Cont'd)

A drainage course, tributary to Brice Run, traverses the indicated "20-foot legal right-of-way" for this site, approximately 240 feet northerly of Old Court Road.

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area. Baltimore County Water Supply and Sewerage Plans W and S-16A, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,  
[Signature]  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EAM:PWR:ss

L-NW & P-SW Key Sheets  
19 - 21 NW 36 Pos. Sheets  
NW 5 & 6 1 Topo  
77 & 97 Tax Maps



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

February 9, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 151, 152, 153, 154, 155, 156, and 157 ZAC Meeting of December 27, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 151, 152, 153, 154, 155, 156, and 157.

[Signature]  
Michael S. Flanigan  
Traffic Engineering Assoc. II

MSP/ccm

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
TO: Office of Planning and Zoning

Date: February 13, 1984

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items  
Meeting - December 27, 1983

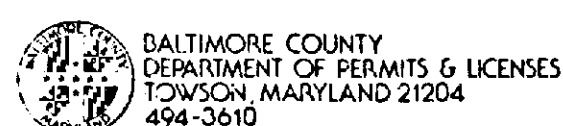
The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item # 151 - Edrich Farms, Inc.
- Item # 152 - Frank W. Thompson, III, et ux
- Item # 154 - Jack Bircher, et ux
- Item # 157 - Hugo J. Nyborg, et ux

[Signature]  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth





BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
444-3610

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 151 Zoning Advisory Committee Meeting are as follows:

Property Owner: Edrich Farms, Inc.  
Location: SW/8 Old Court Road, 4,800' S/W from CL Windsor Mill Rd  
Existing Zoning: R.C. 3  
Proposed Zoning: Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna.)

Acres: 2.65  
District: 2nd.

The items checked below are applicable:

(A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-81 State of Maryland Code for the Building and other applicable codes.

(B) A building/ & other / permit shall be required before beginning construction.

(C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

(E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group, or an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 107 and Table 102, also Section 503.4.

(F) Requested variance appears to conflict with the Baltimore County Building Code, Section/s

(G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

(H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

(I) Comments - Towers: Drawings and construction shall be under the seal of a Registered in Maryland (Structural) Professional Engineer. See Section 625.0 for Code requirements. Certification by P.E. Required on completion.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,  
Charles E. Burdick, Chief  
Plans Review

CCB:ee

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Edrich Farms, Inc.  
SUBJECT: 84-204-X

Date: February 1, 1984

The following comments were prepared by the Division of Current Planning and Development:

A CRG meeting is required. This is a subdivision of land; a plan showing the entire ownership must be submitted. Detailed information must be shown as to access, paving, and profiles. Adjacent uses must be shown.

On the basis of the information available at this time, this office cannot adequately review the subject petition.

NEG/JGH/sf

Norman E. Gerber, Director  
Office of Planning and Zoning



HARRY J. PISTEL, P.E.  
DIRECTOR

February 10, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #151 (1983-1984)  
Property Owner: Edrich Farms, Inc.  
SW/8 Old Court Road, 4,800' S/W from centerline Windsor Mill Rd.  
Acres: 2.65 District: 2nd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

#### General:

Baltimore County highway and utility improvements are not directly involved. Old Court Road (Md. 125) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The entrance locations are also subject to approval by the Department of Traffic Engineering.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #151 (1983-1984)  
Property Owner: Edrich Farms, Inc.  
Page 2  
February 10, 1984

#### General: (Cont'd)

A drainage course, tributary to Brice Run, traverses the indicated "20-foot legal right-of-way" for this site, approximately 240 feet northerly of Old Court Road.

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area. Baltimore County Water Supply and Sewerage Plans W and S-16A, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,

Robert A. Morton, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

L-NW & P-SW Key Sheets  
19 - 21 NW 36 Pos. Sheets  
NW & S 1 Topo  
77 & 87 Tax Maps



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

Paul H. Renicke  
Chief  
Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: James C. Swartz

Location: 93' W. York Road 175' N. Susquehanna Avenue

Item No.: 139

Zoning Agenda: Meeting of 12/13/83

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: George M. McGonigle  
Planning Group  
Special Inspection Division

REVIEWED: 84-024-139-2-15-84

Fire Prevention Bureau

/mb

84-204-139-2-16

IN RE: PETITION SPECIAL EXCEPTION  
N/S of Old Court Road, 4,800'  
SW of Windsor Mill Road - 2nd  
Election District  
Edrich Farms, Inc.,  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-204-X

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Edrich Farms, Inc., requests a special exception to construct a wireless transmitting and receiving structure (a monopole antenna), as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Harry Fisher, general manager, system designer, and real estate manager for Bell Atlantic Mobil Systems, Inc., a wholly owned subsidiary of Bell Atlantic, Lessee of the subject property, testified. No Protestants appeared.

The subject property is zoned R.C.3. Testimony indicated that the Lessee intends to construct a 150-foot-high monopole structure with 17-foot antennae for the purpose of establishing a cellular mobil telephone system in the Baltimore area. The Lessee has been authorized by the FCC to construct the system and has been reserved specific frequencies which will not obstruct or interfere with other frequencies, e.g., television or radio communications. In addition to the tower, a 22' x 26' accessory building would be constructed to house the various equipment necessary to operate the tower. The building size is based on the amount and size of equipment necessary to be housed therein and could be possibly be smaller.

After investigating numerous other sites in the area, the Lessee chose this site because it met all of its engineering requirements. The Petitioner owns the subject parcel as well as other contiguous parcels which are farmed. This

site cannot be otherwise utilized due to its terrain and the existing woods. The tower and accessory building will be well maintained and constantly supervised by the Lessee's central office. Mr. Fisher testified that in his opinion no adverse effect to the surrounding community would occur if the special exception were granted and that the spirit and intent of the Baltimore County Zoning Regulations (BCZR) would be met. The Petitioner seeks relief from Section 1A02.2.B.31, pursuant to Section 502.1, BCZR, for a special exception to construct a wireless transmitting and receiving structure.

It is clear that the BCZR permit the use requested by the Petitioner in a R.C.3 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the proposed use by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or

alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of February, 1984, that the Petition for Special Exception for a wireless transmitting and receiving structure (a monopole antenna), in accordance with the site plan introduced and accepted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. A detailed landscaping plan shall be submitted to the Zoning Office and shall include, but not necessarily be limited to, a fence at least seven feet in height surrounding the structure and appropriate shrubbery or trees.
3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.

George M. McGonigle  
Zoning Commissioner of  
Baltimore County



# PETITION FOR SPECIAL EXCEPTION

2nd Election District

ZONING: Petition for Special Exception  
 LOCATION: North side Old Court Road, 4,800 ft. Southwest of Windsor Mill Road  
 DATE & TIME: Thursday, February 16, 1984 at 10:30 A.M.  
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

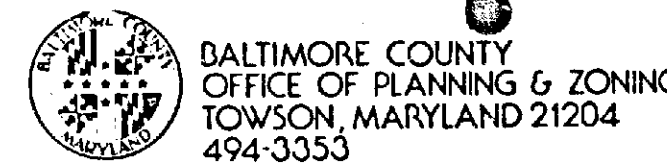
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna)

Being the property of Edrich Farms, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
 ARNOLD JABLON  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY



ARNOLD JABLON  
 ZONING COMMISSIONER

February 9, 1984

Keith E. Ronald, Esquire  
 409 Washington Avenue  
 Suite 314  
 Towson, Maryland 21204

Re: Petition for Special Exception  
 N/S Old Court Rd., 4,800' SW of  
 Windsor Mill Road  
 Edrich Farms, Inc. - Petitioner  
 Case No. 84-204-X

Dear Mr. Ronald:

This is to advise you that \$31.70 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 126867

DATE: 2/16/84 ACCOUNT: R-01-615-000  
 AMOUNT: \$31.70

RECEIVED FROM: Keith E. Ronald, Esquire  
 FOR: Advertising & Posting Case #84-204-X  
 (Edrich Farms, Inc.)

C 015\*\*\*\*\*31701h 01221

VALIDATION OR SIGNATURE OF CASHIER

Keith E. Ronald, Esquire  
 409 Washington Avenue  
 Suite 314  
 Towson, Maryland 21204

January 1984

## NOTICE OF HEARING

Re: Petition for Special Exception  
 N/S Old Court Road, 4,800' SW of  
 Windsor Mill Road  
 Edrich Farms, Inc. - Petitioner  
 Case No. 84-204-X

TIME: 10:30 A.M.

DATE: Thursday, February 16, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

By *Arnold Jablon*  
 Zoning Commissioner  
 of Baltimore County

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 124006

DATE: 12/12/83 ACCOUNT: R-01-615-000  
 AMOUNT: \$100.00

RECEIVED FROM: Keith E. Ronald  
 FOR: Keith E. Ronald  
 Item 151

C 045\*\*\*\*\*100010 01221

VALIDATION OR SIGNATURE OF CASHIER

Office of  
**PATUXENT**  
 Publishing Corp.  
 10750 Little Patuxent Parkway  
 Columbia, MD 21044

January 26 19 84

THIS IS TO CERTIFY, that the annexed advertisement of  
 PETITION SPECIAL EXCEPTION  
 52013

was inserted in the following:

\* Catonsville Times  
 \* Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 28 day of January 19 84, that is to say, the same was inserted in the issues of

January 26, 1984

PATUXENT PUBLISHING CORP.  
 By *Patuxent Publishing Corp.*

IN THE CIRCUIT COURT  
 FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS

CERTIFICATE OF PUBLICATION OF

Description of 2.65 Acre Parcel of Property and twenty(20) foot right of way owned by Edrich Farms, Inc. and leased to AMPS Corporation for Installation of Monopole Antenna (Site F,UU).

BEGINNING FOR THE SAME at a point on the southwest side of Old Court Road, as laid out twenty(20) feet wide, said point being situated 4,800 feet, more or less, measured in a southwesterly direction along the southwest side of Old Court Road from the intersection of Old Court and Windsor Mill Roads, said point also being situated directly opposite that point on the northeast side of Old Court Road where the property line between Edrich Farms, Inc. and Frances G. Hill (as marked by a barbed wire fence) intersects Old Court Road, thence running from said point of beginning and along the aforesaid property line marked by the barbed wire fence.

- (1) North 20° 54' 18" East 825 feet; thence
- (2) North 28° 38' 44" East 719.50 feet; thence
- (3) North 61° 36' 44" West 287.37 feet; thence
- (4) North 28° 23' 44" East 320.00 feet; thence
- (5) North 61° 36' 16" West 340.00 feet; thence
- (6) South 28° 23' 44" West 340.00 feet; thence
- (7) South 61° 36' 16" East 607.28 feet; thence
- (8) South 28° 38' 44" West 700.76 feet; thence
- (9) South 20° 54' 18" West 838.61 feet; thence
- (10) North 79° 24' 18" East 23.46 feet to the place of beginning.

*D. Wagnell*

13-2767  
 W. LEE THOMAS, P.A.  
 DOWD A. WILSON  
 KEITH E. RONALD

W. LEE THOMAS, P.A.  
 ATTORNEYS AT LAW  
 SUITE 314  
 409 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204

AREA CODE 301  
 286-9277

December 16, 1983

Mr. Arnold Jablon  
 Zoning Commissioner of Baltimore County  
 County Office Building  
 Towson, MD 21204

Re: Petition For Special Exception  
 Filed By Edrich Farms, Inc.  
 Item No. 151

Dear Commissioner Jablon:

I am the attorney representing Bell Atlantic Mobile Systems in their attempt to obtain a special exception to construct a monopole antenna on property belonging to Edrich Farms, Inc. on Old Court Road. For reasons I shall hereafter explain, I would appreciate your approving my request to expedite our Petition so that a hearing may be scheduled at the earliest possible date.

Bell Atlantic is one of two companies that has been awarded an opportunity to provide a new mobile telephone service to consumers in the Baltimore metropolitan area. (In short, Bell provides its services via the use of radio antennas strategically located in various sites throughout the area to be served.) One of the factors the Federal Communications Commission focused on in granting franchises was to promote effective competition in order to benefit consumers. In the Baltimore metropolitan area, Bell has been placed at a serious disadvantage which will adversely affect free competition in the marketplace, as Bell's competitor has been allowed to operate a non-commercial, test program in the area for the past several years. Accordingly, their equipment is already in place and they may begin to provide their services on December 16, 1983, the date their FCC approved rates take effect. Bell, on the other hand, may not begin providing service until they construct their antennas, a prerequisite to which is

W. LEE THOMAS, P.A.

Mr. Arnold Jablon

December 16, 1983

obtaining necessary zoning approval. It is Bell's position that each week it cannot provide service to consumers in the area will not only result in Bell suffering a substantial monetary loss (estimated in the millions) but also will allow Bell's competition to gain such a foothold on the marketplace as to prevent any effective competition, which would be contrary to FCC policy.

Bell is by no means trying to circumvent the zoning process. In fact, Bell will present substantial testimony to the Commissioner in January in reference to another petition for special exception involving the antenna at which time Bell will explain the means by which it provides its service and the design and safety features incorporated into its equipment. Bell is merely attempting by this request to obtain a zoning hearing as soon as possible in order to avoid the hardships which it will suffer by any excessive delay.

I thank you in advance for your attention to this matter. Should you have any questions of me regarding this request, please do not hesitate to contact me.

Very truly yours,  
*Keith E. Ronald*  
 Keith E. Ronald

KER:rh

February 22, 1984

Keith E. Ronald, Esquire  
 409 Washington Avenue, Suite 314  
 Towson, Maryland 21204

IN RE: Petition Special Exception  
 R/S of Old Court Road, 4,800'  
 SW of Windsor Mill Road - 2nd  
 Election District  
 Edrich Farms, Inc., Petitioner  
 Case No. 84-204-X

Dear Mr. Ronald:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

*Arnold Jablon*  
 ARNOLD JABLON  
 Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

JUL 31 1984



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

84-204-X

District 2nd  
Posted for: Special Exception  
Petitioner: Edrich Farms, Inc.  
Location of property: N/S of Old Court Road, 4.800' SW of Windsor Mill Road  
Location of Signs: North side of Old Court Road in front of subject property  
Remarks: \_\_\_\_\_  
Posted by: A. J. Costa Signature  
Number of Signs: 1  
Date of Posting: Jan 27-84  
Date of return: Feb 3-84

Keith E. Ronald, Esquire  
409 Washington Ave, Suite 314  
Towson, Md. 21204

Weller & Associates  
101 North Center Street  
Westminster, Md. 21157

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
16th day of December, 1983.

Arnold Jablon  
ARNOLD JABLON  
Zoning Commissioner

Petitioner Edrich Farms, Inc.  
Petitioner's Attorney Keith E. Ronald, Esq.

Received by Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

84-204-X  
**CERTIFICATE OF PUBLICATION**

TOWSON, MD., \_\_\_\_\_ JANUARY 26, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ of one time ~~successive weeks~~ before the 16th day of February, 1984, the ~~next~~ publication appearing on the 26th day of January, 1984.

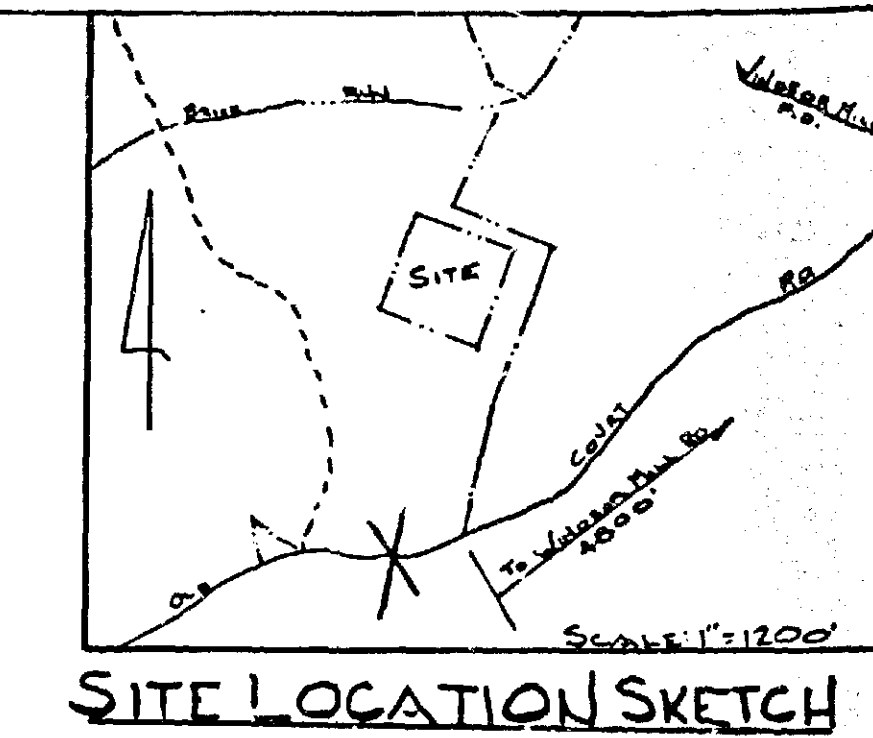
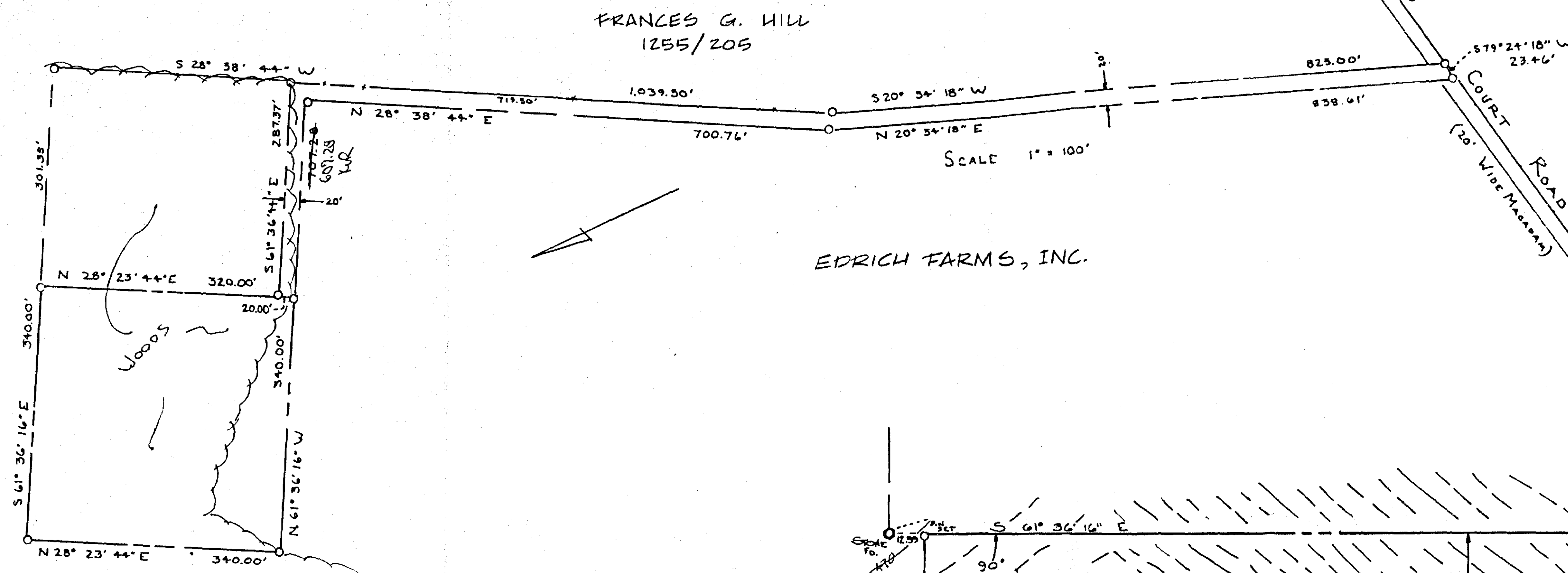
THE JEFFERSONIAN,

L. Frank Sinton  
Manager.

Cost of Advertisement, \$ 18.00

**PETITION FOR SPECIAL EXCEPTION**  
2nd Election District  
ZONING: Petition for Special Exception  
LOCATION: North side Old Court Road, 4,800 ft. Southwest of Windsor Mill Road  
DATE & TIME: Thursday, February 16, 1984 at 10:30 A.M.  
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:  
Petition for Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna)  
Being the property of Edrich Farms, Inc., as shown on plat plan filed with the Zoning Department.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
By Order Of  
ARNOLD JABLON,  
Zoning Commissioner  
of Baltimore County  
Jan. 26.



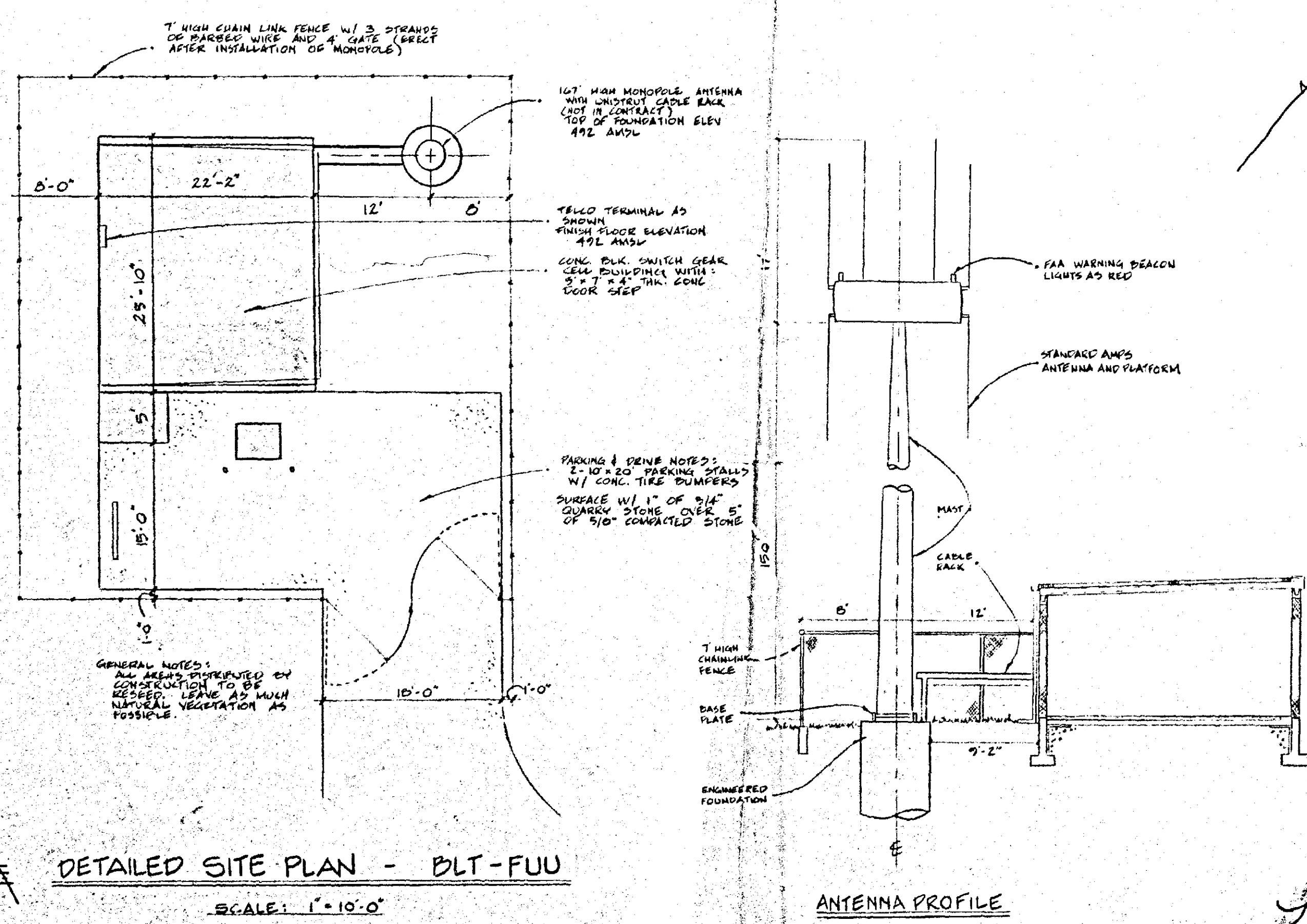


# GENERAL NOTES

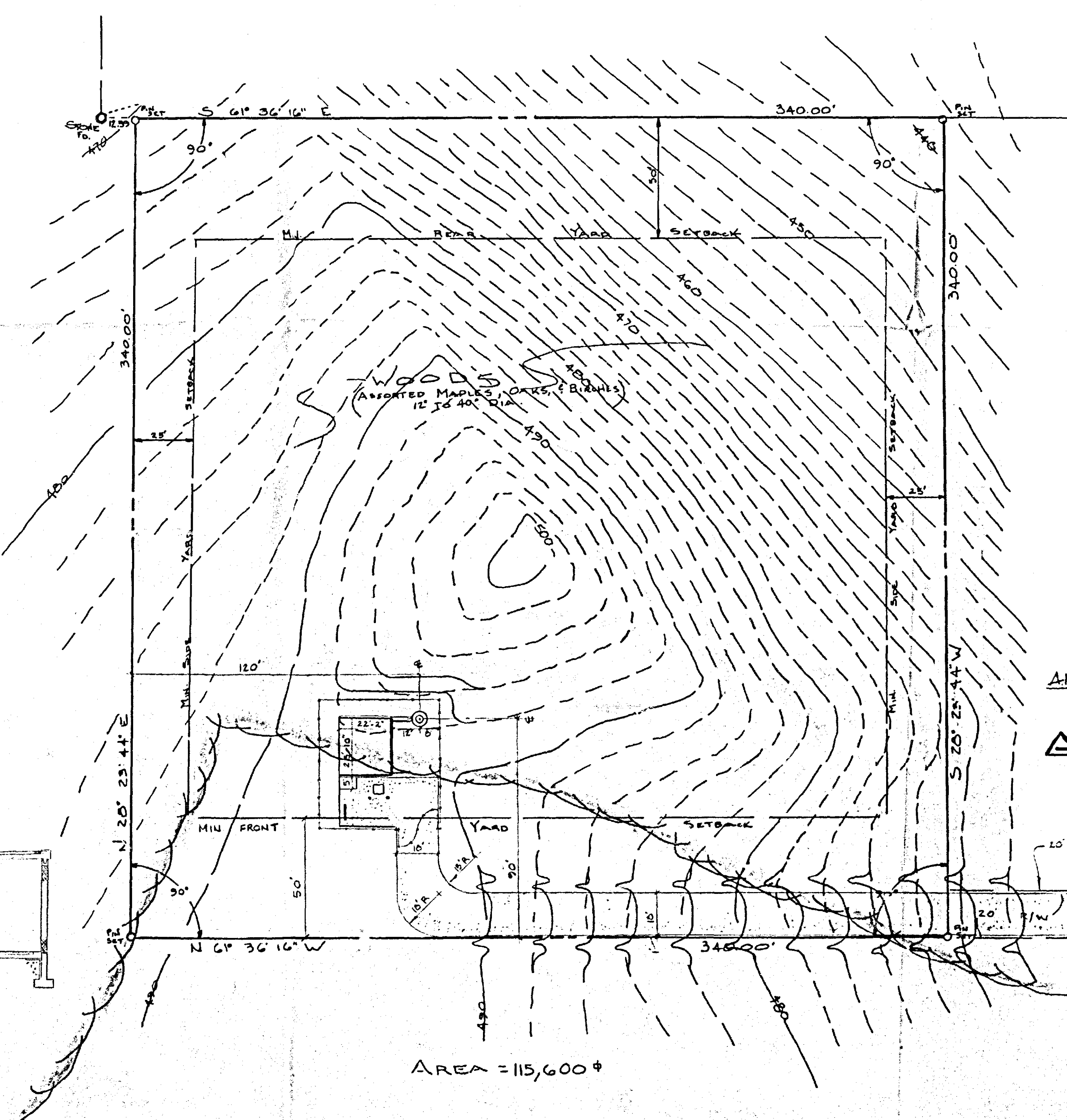
1. There are no streams or drainage courses located within 50 feet of the property.
2. There are no buildings located on the site.
3. Water and sewer facilities do not exist at the site.
4. Nearest public facilities: fire hydrants located at Old Court Road and Greens Lane 1.3 miles northeast.
5. Area of site: 2.65 ac.± (115,600 sq. ft.)
6. Existing zoning: RC-3.

# LEGEND

- ① SCALE AS SHOWN
- ② ALL PARCELS ON PLAT ARE ZONED RC-3
- ③ AREA = 115,600 SQ. FT. OR 2.654 ACRES
- ④ THE EXISTING USE OF THE PROPERTY AND ADJOINING LANDS IS UNDEVELOPED LAND
- ⑤ ADVANCED MOBILE PHONE SERVICE INC'S MOBILE PHONE COMPUTER SWITCHING BUILDING
- ⑥ NO WATER OR SEWERAGE FACILITIES EXIST OR ARE NEEDED
- ⑦ THERE ARE NO BUILDINGS ON THE AMP'S SITE OR ANY PROPERTY ADJOINING THERE TO WITHIN 500' OF THE PROPOSED SITE OF THE TOWER
- ⑧ INTEREST IN PROPERTY TO LEASE



ANTENNA PROFILE



# PETITIONER'S EXHIBIT 1

# SITE PLAN TO ACCOMPANY

AMPS PETITION FOR SPECIAL EXCEPTION

# A.M.P.S. CORPORATION SITE WAS FUU

2ND ELECTION DISTRICT BALTIMORE COUNTY, MD.  
 OWNER  
 EDRIK FARMS INC.  
 9700 OLD COURT RD.  
 WOODLAWN, MD. 21207

TAX MAP 76, BLOCK 24, PARCEL 190, TITLE REF 3623/323

# WELLS & ASSOCIATES

INCORPORATED  
 101 NORTH CENTER STREET  
 WESTMINSTER, MARYLAND  
 876-6303

COMPS BY B.B. & L. DRAWN BY T.J. DELL  
 CHECKED BY DWG NO. 208

DATE 10/11/83  
 SCALE 1" = 30'

